

DIE IN ICY SEA

Hundred and Seventy-nine
Larchmont Victims.

BUT 21 ARE SAVED

Life Rafts Piled With Dead
Incrusted in Ice.

BOTH CAPTAINS BLAMED

Accuse Each Other of Being Responsible
for Terrible Catastrophe.
Schooner Knowlton Sights Ill-fated
Steamer Fully an Hour Before the
Crash—Larchmont Sinks Within a
Few Minutes—Passengers Mostly
from New England on Way to New
York—Forty-seven Salvation Army
Members Were in the Disaster.

Providence, R. I., Feb. 12.—The steam-
boat Larchmont, of the Joy Line, which
left here at 6:30 last night for New York,
sank in the Sound three miles off Watch
Hill, R. I., at 10:30 last night, a few min-
utes after she had been in collision with
the two-masted schooner Harry Knowlton,
bound for Eastport, Me., from Perth
Amboy.

The Knowlton was beached on the
Rhode Island shore and all of her crew
escaped.

The Larchmont is believed to have car-
ried about 150 passengers, and had a crew
of fifty men. Of these 200 souls the only
survivors known so far number twenty-
one. They landed at Block Island after
experiences such as the Sound has seldom
known.

Most of them managed to reach the
island in two of the Larchmont's boats
about daylight, and the others were
picked up off a life raft by a fishing
schooner.

Suicide in Lifeboat.

Among the survivors is the captain,
George W. McVay, and six of his crew.
The boat was the first to make the island,
reaching there shortly after 6 o'clock this
morning. So great were the sufferings of
those in this boat that one man, a sailor,
deliberately cut his throat, unable to en-
dure them any longer. His body was
thrown overboard.

Bodies are being washed ashore at
many points along the Sound. Over thirty
have come ashore on Block Island. There
is nothing, so far, beyond these bodies
constantly coming ashore to indicate what
has been the fate of the 100 or more pas-
sengers yet unaccounted for. It is the
belief of the captain that a large number
got in the boats, but apparently he did
not wait to see whether they did or not.
Every boat had officers and crews as-
signed to them in case of accident, but,
even properly manned, it seems doubtful
whether they could have reached shore,
owing to the gale which was blowing and
the intense cold.

Victims Freeze to Death in Craft.

From the stories of the survivors it
would seem that it was the cold, more
than anything else, which made their ex-
periences so harrowing, and which gives
rise to doubts that any more have been
saved. With the thermometer within a
degree of zero—so cold, in fact, that it
made the water "smoke," as the sailors
say—it was almost impossible to work
the oars and to keep from freezing.

Women and little children were in these
boats. The sea froze as it fell on them.
The sailors and men pulling at the oars
in many cases had to fall back benumbed,
and it was only by the indomitable will
of a few of the men that the two boats
ever reached Block Island to tell the
story of this tragedy of the Sound.

The Block Island shore is about seven
miles from the scene of the collision. The
mainland was only three miles away, but
it was impossible to pull the boats in
that direction on account of the north-
west wind that was blowing. Those who
have reached the island say that all that
could be done was to run before the
wind and try to keep the boats headed
toward the island. That some of the
boats, with crews benumbed and help-
less, may have drifted out to sea is one
of the possibilities.

Captains Blame Each Other.

Two different versions of the cause of
the collision which resulted in the sinking
of the steamer and also the schooner are
given by the masters of the two vessels.

Capt. McVay, of the Larchmont, says
that it was due to the schooner suddenly
luffing, and that she appeared to be un-
manageable. Those on the schooner say
that the Larchmont tried to cross the
bow of their ship, which had the right of
way, and that it was clearly an error of
judgment on the part of the men at the
Larchmont's wheel.

There was hardly time to give the pas-
sengers a warning after the shock of the
collision, and in ten minutes she had sunk,
many, it is believed, going down with her.
The Larchmont was a comparatively old
steamboat. She had no water-tight com-
partments, it is said, which accounted for
her settling so fast.

Salvation Army Members Lost.

When the Larchmont left here last night
she carried her normal load of passengers
for this time of the year. They came
from various New England points, and
many were returning to their homes in
New York.

In this party were many Providence
people. Among the passengers were
forty-seven Salvation Army members be-
longing to the Swedish corps, seven being
from Providence. They were under orders
to report at the headquarters in New
York. Forty-five members of this corps
in all left for New York, but the others
took the boat from Fall River.

The boat was of the old type of steam-
boat, with small cabins. She was built in
Bath, Me., in 1885. When the steamer left
here last night a brisk northwest breeze
was blowing, and it was bitterly cold.
Nevertheless, the night was fairly clear,
and many are at a loss, for this reason, to
account for the collision.

The breeze increased to a gale off Point
Judith, and nearly all of the passengers

WEATHER FORECAST.

For the District of Columbia,
Maryland, and Virginia—Fair
and warmer to-day and to-mor-
row; light, variable winds, be-
coming southerly.

HERALD NEWSSUMMARY.

Pages.
1—Death List in Collisions 12.
1—Former Gov. Higgins Is Dead.
1—McCall Replies to Secretary Root.
1—Expert Calls Thaw Insane.
1—Telegraphers' Strike Threatened.
2—President Walter, of Seaboard, Dead.
9—Miser and Sister Perish at Frederick.

CONGRESS.
1—Tariff War Is Averted.
4—District Bills Are Advanced.
4—Currency Measure Reported.
4—See End of Japanese Modesty.
4—Vote To-day on Criminal Appeal Bill.

LOCAL.
2—Agitation for Cheaper Gas Renewed.
2—Lincoln Honored in Washington.
8—Elks Celebrate Their Anniversary.
7—Want Jobbing Houses for Washington.
10—Couple Keep Death Pact.
12—Woodward Reports on Markets.

FRANK W. HIGGINS DIES AT HIS HOME

New York ex-Governor Ex-
pires After Long Illness.

UNCONSCIOUS TO THE END

Was Ill Before He Left Govern-
or's Chair Last Month.

Began His Political Career in 1888
—When He Was Elected Delegate to
Republican National Convention in
Chicago—Sent to the State Senate
Three Consecutive Terms—Served
Two Years as Chief Executive.

Olean, Feb. 12.—After spending the day
in a stupor from which there was no
awakening, ex-Gov. Frank W. Higgins
died at 8:30 o'clock to-night at his resi-
dence, on South street.

At his bedside were Mrs. Higgins, who
has been there constantly for three
weeks; Miss Josephine Higgins, his daughter;
T. Harrison Higgins, his youngest
son; his brother-in-law and sister, Mr.
and Mrs. F. S. Smith, of Angelica; Dr.
Hibbard, and his private secretary, Allan
B. Williams.

Sketch of His Life.

Frank Wayland Higgins was born in
Rushford, N. Y., on August 18, 1856, and
received his education in the district
school of his home town. In the seminary
at Pike, Wyoming County, and in the Riv-
erview Military Academy at Poughkeepsie,
from which he was graduated in 1873. He
was a son of the late Orrin T. Higgins,
and his grandfather was one of the early
settlers in Allegany County.

After traveling in the West for a year,
Mr. Higgins, then eighteen years of age,
began business life in Chicago as West-
ern sales agent for an oil refinery, but
continued in that occupation for a short
time only, and after two years more of
travel he returned to Stanton, Mich.,
where he became a partner in the mer-
cantile firm of Wood, Thayer & Co. A
year later he bought up the business
and continued it in his own name. In
Stanton Mr. Higgins married Miss Kate
C. Noble, of Sparta, Mich. At this time
Mr. Higgins' father was head of the pro-
sperous grocery firm of Higgins, Blodgett
& Co., which had nine stores in Olean and
other Central New York towns.

The younger Higgins sold his Michigan
interests in 1879 and bought a partnership
in his father's firm. He managed it so
well that in five years he bought from his
partners three stores in Olean. His father
had bought large areas of timber land in
Minnesota, and to these he added timber
tracts in Wisconsin. Deposits of coal and
iron were found in them, which materially
increased the family's prosperity. At the
time of his death, Frank Wayland Hig-
gins was reputed to be several times a
millionaire.

Elected State Senator in 1883.

His political career began in 1888 when
he was elected a delegate to the Republi-
can national convention in Chicago. He
was elected State senator in 1889, when
was then the Thirty-second district,
consisting of Cattaraugus, Chautauque,
and Allegany counties. He was re-
elected from the Fifteenth district, con-
sisting, under the new constitution, of
Cattaraugus and Chautauque counties, in
1895. He represented this district for
three consecutive terms. In 1902 he de-
clined to run again for office, and prac-
tically announced his retirement from pol-
itics.

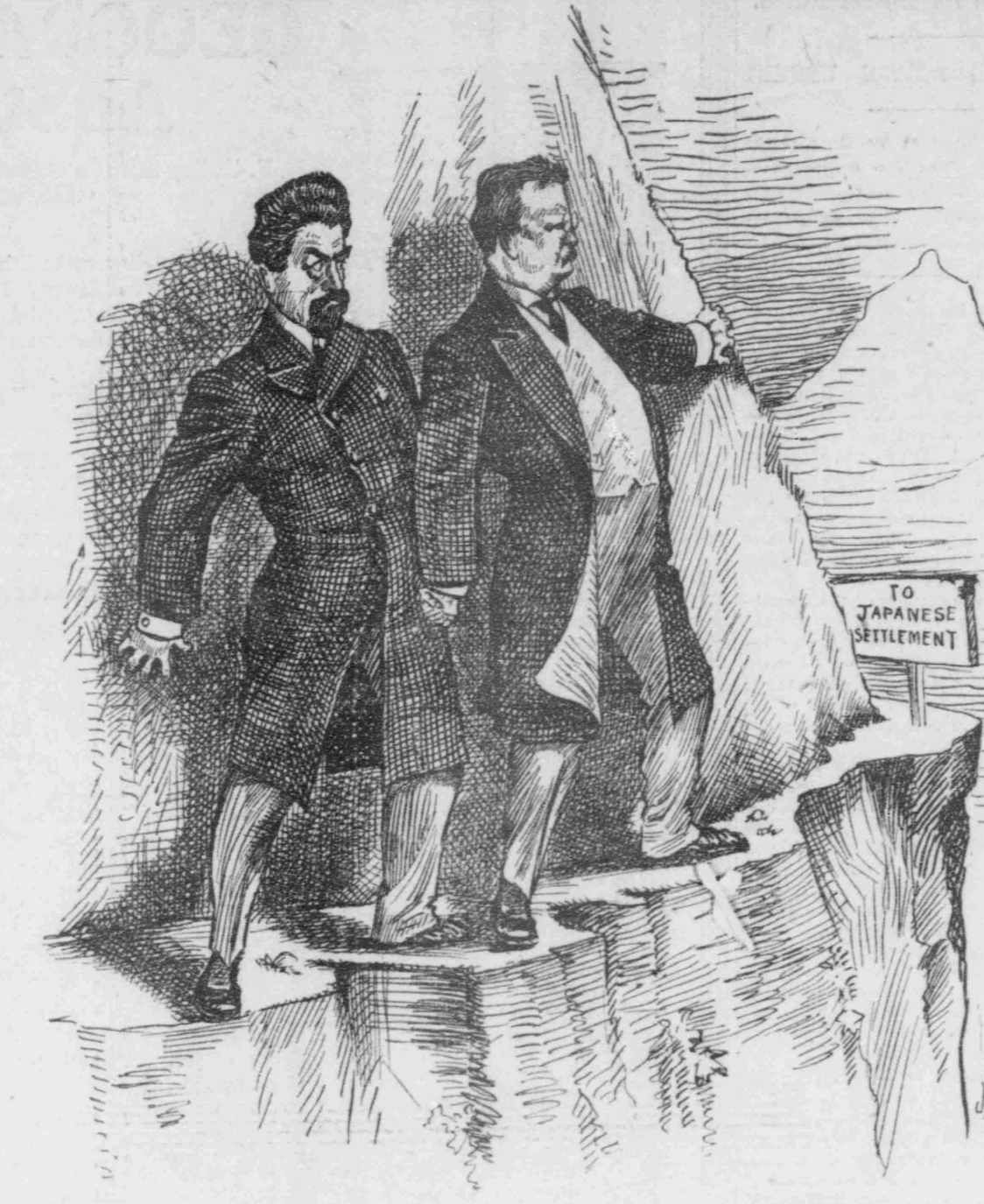
It was at that time that he was nomi-
nated for lieutenant governor on the
ticket with Benjamin B. Odell, Jr., and
was elected. Mr. Higgins got 62,329 votes,
against 63,552 cast for his opponent,
Charles N. Bulger. In 1904 B. B. Odell, Jr.,
selected Mr. Higgins as an "available"
man to run for governor. He was nomi-
nated and elected, defeating D. Cady
Herick, candidate of the Democratic
party, by a large majority, but running
8,000 votes behind President Roosevelt in
the State.

His two years in the governor's chair
were turbulent. Gov. Higgins, an amiable,
peace-loving man, was pulled this way
and that by powerful politicians.

Health Begins to Fail.

Toward the close of his term he was
talked of as a candidate to succeed him-
self. He was urged to run by many Re-
publican politicians that were not espe-
cially in favor with President Roose-
velt. The governor vacillated for a time,
but finally, on September 24, 1905, issued
a statement saying that he had kept his
pledges while in office, and that by doing
so he had incurred the enmity of those
who believe that governors should fol-
low the dictates of party bosses, and
that as another reason for declining re-
nomination he needed time for rest and
to attend to personal affairs. The health
of the governor at that time was poor,
and when he gave way to Gov. Charles
E. Hughes on January 1, 1907, he was
undoubtedly a sick man. He retired to
his home in Olean and remained there
until his death.

He is survived by Mrs. Higgins, a
daughter, Miss Josephine, and two sons,
O. T. Higgins, who is married and lives
in Colorado, and F. Harrison Higgins.



TARIFF WAR AVERTED

Work of Commission in Ger-
many Is Successful.

WILL EXTEND MODUS VIVENDI

Treasury Department Expected to
Put Modifications Into Effect When
Mr. Cortelyou Becomes Secretary.
This Would Be First Step Toward
Final Settlement of Differences.

There will be no tariff war with Ger-
many. That seems positively assured, as
the result of the discussion of the differ-
ences between the United States and that
country by the joint commission that has
completed its negotiations at Berlin and
the report of which has been placed in
the hands of Secretary of State Root by
Dr. S. N. D. North, chairman of the
American commission.

This report contains what is believed to
be a reasonable basis for a full agree-
ment between the two countries on the
tariff.

The details of the report of Dr. North
are not known, as both the American
and the German commissioners have ob-
served absolute secrecy regarding them.
It is believed that the President, after he
has read the report, will advise with the
German government, and make public the
recommendations of the commission.

It is believed that it will then be re-
cognized that, in the exchange proposed,
the United States has secured equal, if not
greater, advantage with Germany, and
that the plan for reciprocal agreement
between the nations will prove popular.

It is likely that the President will send
the commission's report to Congress before
adjournment. Whether any action can be
had is an open question. There are some
who believe that the plan of exchange
will appeal so strongly that Congress, by
a simple amendment to the present tariff
law, will put the recommendations of the
commission into effect at once. This is
speculative, however. Until the articles
that have been agreed upon as forming
the basis of reciprocal exchange are
known, the opposition to the plan cannot
be estimated.

Congress' Probable Action.

It is believed that whenever Congress
does act, whether at this session or next
year, it will be in the way of amend-
ing section 3 of the present law, rather
than in the way of a reciprocity treaty.
It is believed that the articles which the
commission has recommended shall re-
ceive preferential treatment will be added
to those already enumerated in section 3.
This would make the provision general,
and would give every government that
wanted to take advantage of the exchange
the same right as Germany. It is pre-
sumed, however, that the articles agreed
upon are those whose admission to the
United States under preferential rates
would be of greater advantage to Ger-
many than to any other country.

The great achievement of this commis-
sion lies in having reached an agree-
ment that is satisfactory to Germany,
so satisfactory, at least, that she is will-
ing to extend the modus vivendi under
which the United States is enjoying the
minimum rates of her tariff for another
year, in the belief that this government
will act upon the recommendation of the
commission. The maximum rates were to
have been enforced at the end of this
fiscal year, if the United States did not
make some concessions, but Germany will
now extend the time, it is understood,
until Congress shall have had a chance
to legislate on the report of the commis-
sion.

Immediate Action Doubtful.

While there is a remote possibility that
the report of the commission may ap-
pear so forcibly to the leaders in both
Houses that an agreement can be reached
to amend the law in conformity with it
at this session, the chances are that the
whole matter will go over until the next
Congress.

There is little likelihood that the ex-
change agreed upon by the commission
will be embodied in a reciprocity treaty
and ratified by the Senate in an extra
session, as legislation by both Houses
would be required to put such a treaty
into effect.

Customs duties were not the only differ-
ences considered by the commission. It

is understood that Germany complained
of some of the administrative features of
our law in the form of regulations that
are under the control of the Secretary of
the Treasury. It is believed that the
commission was able to reach an under-
standing on these questions, and that
recommendations are made for modifica-
tions in the customs regulations that will
be satisfactory and advantageous to Ger-
many.

These modifications can be made by the
Treasury Department and it is predicted
that when Mr. Cortelyou takes charge of
that department he will put into effect
the recommendations made by the Ameri-
can commission. Such action on the
part of the administration would be in
the nature of an assurance to Germany
that the whole plan agreed upon by the
commission will eventually be put into
effect by this government.

Another result of the commission's
work is expected to be the removal of
the prejudice against American meats in
Germany. This matter was discussed by
the commission, and the attention of the
German authorities called to the new
meat inspection laws of the United States.
The objections of the Germans were
stated and the commission, it is under-
stood, recommends that measures be taken
that will absolutely insure to the foreign-
ers that no diseased or unclean meats are
shipped abroad from the United States.

COUNTRY FACES BIG STRIKE

Western Union Telegraph Operators
May Go Out in Body.

**Crisis Arisen in Situation Between
Company and Employees—15,000
Men Stand Ready to Quit.**

Special to The Washington Herald.

Chicago, Feb. 12.—The country is facing
the prospect of a paralysis of all the
Western Union telegraph lines through a
strike of 15,000 operators in twenty-two
of the chief cities of the United States.
The railway telegraph service, the dis-
patching of trains, and even the handling
of the mails also is jeopardized by the
situation which has arisen between the
Western Union Telegraph Company and
its employees over the discharge of nine
men in the Chicago office.

Negotiations have been abandoned.
Final efforts made during the after-
noon to obtain a conference
with the company managers proved a
complete failure, and President Sam J.
Small, head of the operators' union, cal-
led a meeting of the local executive
board of the union, advising radical
action. A mass meeting for this pur-
pose will be held next Sunday.

"I am ready to issue a strike order
within twenty-four hours after I am
placed in charge of the situation," said
President Small. "It will affect the whole
country. The railroad telegraphers are
counted on to lend assistance, under the
terms of our working agreement with
their union."

VALUABLE PAINTINGS STOLEN.

**Gainsboroughs, a Reynolds, and
Others Cut from Frames.**

London, Feb. 12.—The most sensational
art burglary since 1875, when Gains-
borough's "The Duchess of Devonshire,"
now the property of J. Pierpont Morgan,
was stolen by an American, Harry Ray-
mond, occurred at Charles Wertheimer's
residence, on Park lane, during last night.
Several costly canvases, including pic-
tures by Gainsborough and Reynolds,
were cut out of their frames and carried
off.

Two of the Gainsboroughs and a Rey-
nolds were worth together \$80,000. So un-
skilfully were the pictures cut from their
frames that they have been irretrievably
ruined, even if they should be recovered.
The thieves also secured a big haul of
eighteenth century snuff boxes, miniatures,
&c. They made their exit from the
household. The burglars, however, got
away before the police could be sum-
moned. The property stolen is valued at
\$175,000 in all.

No Men for New Battle Ship.

Boston, Mass., Feb. 12.—The new fight-
ing ship Vermont was turned over to the
government yesterday, but owing to a
scarcity of men in the navy the vessel
will not be put into commission for some
time.

Flowers for Valentines.
Violets, Roses, &c., Blackstone's, 14th & H.

BAILEY CALLS COCKE "LIAR."

**Denies Giving San Angelo (Tex.) Man
His Vote for \$7,000.**

Austin, Feb. 12.—The Bailey investi-
gation committee examined no witnesses
to-day, but it spent several hours
wrangling over the question of sub-
poenaing additional witnesses. The dis-
cussion was enlivened by another outburst
on the part of Senator Bailey, who used
the word "liar" several times concerning
a statement by Representative W. A.
Cocke, who is conducting the prosecution,
that J. D. Suggs, now at San Angelo,
Tex., possessed a note for \$7,000 given by
Bailey.

Senator Bailey jumped to his feet, and
advancing toward Cocke, shouted that
whoever said that he had given Suggs a
note for \$7,000 was a liar. He repeated
the statement several times, saying he
did not propose to silently permit such
statements concerning him to be made
by any one. A deputy sheriff on duty as
bailiff came between Bailey and Cocke
and the Senator took his seat.

A report is current that H. C. Pierce
will arrive here within the next few days
and appear before the committee. Judge
J. D. Johnson had advised him against
coming in view of the indictment for
perjury which is said to be pending
against him in the district court here.

EXPERT DECLARES THAW WAS INSANE

Dr. Evans Positive as to Con-
dition of Accused.

CASE BADLY PREPARED

Manner of Presenting Defense
Causes Many Delays.

**Jerome and Delmas Engage in Spir-
ited Argument Over Latter's Hypo-
thetical Question—Two Agents of
Comstock Society to Testify—Dis-
trict Attorney Has Mapped Out
Lengthy Cross-examination.**

New York, Feb. 12.—There was only
one witness examined to-day at the trial
of Harry K. Thaw for the murder of
Stanford White. He was Dr. Britton D.
Evans, who swore that in his opinion
Thaw was not of sound mind while he
was in the Tombs in September, three
months after the shooting, and that less
than a month later his mind was still
impaired, but had improved some. At
the time Thaw shot White on the Mad-
ison Square Garden roof he did not know
he was doing wrong, Dr. Evans said,
and his mind was diseased. He described
Thaw's condition as the result of a
hereditary taint, influenced by stress and
excitement.

The session was interrupted by delays,
seemingly due to the defense's badly pre-
pared case. There are a few more ques-
tions to be asked of Dr. Evans to-mor-
row morning and then it is the intention
of Thaw's counsel to have young Mrs.
Thaw finish her story. Dr. Evans will
not be cross-examined until after the de-
fense has put in all of its case.

Preparations have been made by Dis-
trict Attorney Jerome for a very lengthy
cross-examination of Evelyn Thaw. It
would not be surprising if she was on the
stand more than a day under Jerome's
questioning. Jerome's chief aim will be
to prove that she never told Thaw the
story he had recited on the stand.

Attacks Hypothetical Question.

Jerome attacked Delmas' long hypothet-
ical question. The most important modifi-
cation obtained by Jerome concerned the
statement in the original question of an
"operation, serious, if not capital," per-
formed on Evelyn Thaw while she was
at school in New Jersey. Mr. Jerome
asserted that the operation was for ap-
pendicitis.

The next sensational clash between Mr.
Jerome and Mr. Delmas during the trial
was Jerome's argument on the point. The
final decision of Justice Fitzgerald was
that the only thing that should be con-
tained in the question was that an opera-
tion had been performed, without any
qualification.

While Mr. Jerome got a setback here,
as he wanted the operation explained in
the question, yet on the whole day it was
the general opinion that he had held his
own with the veteran California attorney.

It is known that the defense has sub-
poenaed two agents of the Comstock So-
ciety, and is now planning to call them
to testify regarding Thaw's complaints
to the society about White.

Afternoon Session.

The afternoon session was broken by a
long recess—nearly an hour and a half—
so as to give Dr. Evans, whose examina-
tion was continued, a chance to read over
the letters that Thaw wrote to his wife
and his counsel, Mr. Longfellow. Then,
after some preliminaries, Dr. Evans as-
serted that Thaw was not of sound mind
when he examined him in the Tombs on
his first three visits; that his mind was
still impaired, but improved at the end
of the eighth visit in October, and that
on the night he killed Stanford White
he did not know he was doing wrong.

It was a dull session until almost at
the wind-up, when Mr. Jerome picked
many holes in the long hypothetical ques-
tion by Mr. Delmas, bringing about, in-
cidentally, the warmest clash of the trial
between the two counsel. There was the
usual result.

Dr. Evans was first asked if he had
based any opinion on his examination
of Thaw in the Tombs, and from what
Thaw said. Mr. Delmas wanted him to
state what opinion was, but Mr. Jerome
insisted that he first set the time. Mr.
Delmas wanted the question answered
on the whole eight visits, taken in con-
junction, but Dr. Evans said he could not
do that. He finally said that at the end
of the third visit he formed an opinion,
and that he formed another opinion as a
result of the other five visits.

There was more quibbling. Justice Fitz-
gerald got Delmas to ask what the doc-
tor's opinion was at the end of the third
visit.

"And now, doctor," said Mr. Delmas,
"based upon your observation of your first
three visits, as to the then mental condi-
tion of Harry K. Thaw, what was his
condition with reference to soundness or
unsoundness of mind?"

"I was then and am now," said Dr.
Evans very slowly, "firmly of the opinion
that during the three first visits Harry K.
Thaw was of unsound mind, because of
diseased condition of the brain."

"As the result of the last five visits that

CONTINUED ON THIRD PAGE

REPLIES TO MR. ROOT AT LINCOLN DINNER

Representative McCall at a
New York Banquet.

CANNON SENDS A TOAST

General O. O. Howard Tells
Some Lincoln Stories.

**Massachusetts Congressman Al-
lances Usurpation of Power Is Al-
ways Justified by the Usurpers as
Being "Necessary Control"—Says
Government by Compromise Pro-
claims Wisdom of the Founders.**

New York, Feb. 12.—The Lincoln dinner
of the Republican Club—held twenty-first
at the Waldorf-Astoria to-night—was en-
livened by some sharp and not indirect
criticism of President Roosevelt by Rep-
resentative McCall, of Massachusetts, and
Gen. James H. Wilson. For some reason
the customary toast to the President was
omitted.

Last night's was perhaps the largest
dinner the Republican Club ever gave.
Not only the grand ballroom, but several
annexes, were crowded, not only with
local and up-State Republicans, but with
women who were permitted this year to
eat at \$5 a plate. There were numbers
of rather prominent absentees. Neither
Senator Platt nor Senator Dewey could
be found, and B. B. Odell, Jr., Herbert
Parsons, and Chairman Woodruff, who is
abroad, were not on hand.

With the president of the Republican
Club, Charles H. Young, sat James M.
Beck, Representative Samuel W. Mc-
Call, of Massachusetts; Gen. Oliver O.
Howard, Gen. Grenville M. Dodge, Gen.
Horace Porter, Gen. James R. Wilson,
Admiral Coghlan, Franklin Murphy, Col.
Charles H. Treat, the Rev. Dr. Howard
Duffield, Job E. Hedges, and Edward T.
Bartlett. Among the guests, however,
many Republicans of State or wider
fame, were quite a few well-known
Democrats, Justice V. M. Davis, Justice
Ford, and others.

Spencer Cannon's Toast.

It was expected that Speaker Cannon
would be on hand as the guest of honor
to respond to the toast "Abraham Lin-
coln," but Uncle Joe was just getting over
an attack of grippe, he sent word. In-
stead, a letter from the Speaker was
read, offering a fervent toast to Lincoln,
as follows:

"If I were to propose a sentiment to-
night it would be the toast 'Abraham Lin-
coln'—time's best demonstration that a free
people can produce statesmanship for any
emergency. America's teaching that the
power of sword may be used without dis-
troying the liberties of a republic; that
great reform may be made without violat-
ing elemental principles; and that the
freedom and security of the humblest
citizen is the surest foundation of a
mighty nationality."

When the applause had died away,
President Young introduced Gen. Howard
as an intimate friend of President Lin-
coln, and Gen. Howard told stories about
Lincoln.

James M. Beck responded to the toast,
"The Republican Party." He was fol-
lowed by Representative McCall, who
spoke on "The Centralization of Gov-
ernment."

Question of "Necessary Control."

Mr. McCall said, in part:

"Not long ago Mr. Root declared that
it was useless for the advocates of State
rights to inveigh against the extension
of national authority in the fields of
necessary control where the States them-
selves failed in the performance of their
duty, and that in such cases 'construc-
tions' of the Constitution would be
'found' to vest the power in the national
government. I fancy it would be just as
sound for States, providing they were
strong enough to do so, to exercise the
national functions in cases where they
were not performed to the satisfaction
of gentlemen who at the time were run-
ning the States' governments."

"But how are 'constructions' to be
'found'? Who is to decide, in the first
instance, what are 'fields of necessary
control'? Obviously, the gentlemen who
claim to exercise the control. Some policy,
which should take possession of a Presi-
dent would undoubtedly seem to him
necessary. The South American Presi-
dents who have 'done things' who have
sometimes dispensed with elections, have
doubtless believed their acts necessary
to the good of the state. When was
there ever a usurper since time began
who could not justify his acts by the
same plea? This theory, it is needless to
say, would erect usurpation into a con-
stitutional system, and would invite
evils compared with which those result-
ing from the failure of a State here and
there to perform its duty would be in-
significant."

Government by Compromise.

"It is a slow process to develop a
homogeneous public opinion in so populous
and scattered a people. Diversity of in-
terests will develop diversity of opinions
in different groups of States. These di-
verse and conflicting interests will often
bring into play forces that neutralize each
other and prevent all national action. Or
in cases where a uniform sentiment is
aroused the impetus of so great a body
of opinion is overwhelming, reason loses
its force and the most extreme course is
liable to be taken. The failure of the ef-
fort to retire in times of peace the forced
loan of the government put out in war,
and the many compromises regarding sil-
ver illustrate the balancing of forces;
while reconstruction, which resulted from
an unmistakable, widespread, and uncon-
trollable public opinion, illustrates unre-
asonable and extreme action. Reconstruc-
tion was pressed through by patriots and
statesmen, but the great national govern-
ment would put the States out of business
in the same way as the great combina-
tions have destroyed small ones, and they
do tend to prove the wisdom of the
framers of the Constitution."

Restore Constitutional Balance.

"Mr. Root's speech was made upon an
occasion in which the two great States of
New York and Pennsylvania were asso-
ciated. By the Constitution, these two
States are given only an equal vote in the
framers of the Constitution."